

ASSIGNEE'S SALE

of valuable improved real estate located on the east side of North Market Street Extended, in Frederick City, Frederick County, Maryland, being the property formerly known as Ebert's Ice Cream plant.

By virtue of the power and authority contained in a Second Mortgage from George K. Enloe and Charlotte Fay Enloe, husband and wife, dated January 5, 1976, and recorded in Liber 977, folio 648, one of the Land Records of Frederick County, Maryland, the undersigned Assignee will offer for sale at the Court House door, in Frederick, Maryland, on

WEDNESDAY, FEBRUARY 6, 1980

AT 11:00 A.M.

all the land described in said Mortgage together with improvements thereon, to wit:

PARCEL NO. 1: All that lot or parcel of land located on the west side of the Frederick and Emmitsburg State Road or North Market Street Extended and being more particularly described as follows:

BEGINNING at a point on the west side of the said Frederick-Emmitsburg State Road or North Market Street Extended at the end of two hundred and ten (210) feet on a line drawn North forty-four degrees East from the end of the fourth or South forty-four degrees West, one hundred and ten (110) perches line of the said first parcel, and running thence perpendicular to said fourth line and the west side of said Frederick-Emmitsburg State Road or North Market Street Extended, North forty-six degrees West, nine hundred (900) feet to a point; thence South forty-six degrees, sixteen minutes West two hundred and thirty-six and six tenths (236.6) feet to a stone formerly planted in the eastern right of way line of the Northern Central Railway (now Pennsylvania Railroad); said stone being also at the end of the sixth or North seventy-three degrees West, twenty-six and two tenths (26.2) perches line of the said first parcel; thence along a portion of said eastern right of way line of said Northern Central Railway and a portion of the seventh line of the whole property, North seventeen degrees, forty-five minutes East, two hundred and eighty-one and four-tenths (281.4) feet to a point; thence running parallel to the above described first line and sixteen (16) feet north of said line in order to form a sixteen (16) foot alley way, South forty-six degrees East, six hundred and thirty-three and five-tenths (633.5) feet to a point; thence parallel to the above-mentioned west side of said State Road or North Market Street Extended, North forty-four degrees East, one hundred and eighty-four (184) feet to a point; thence parallel to the above described first line, South forty-six degrees East, four hundred (400) feet to a point in the aforementioned west side of North Market Street Extended, and running thence by and with said west side of said State Road or Street, South forty-four degrees West, two hundred (200) feet to the place of beginning. Containing two and four hundred and seven one-thousandths (2.407) acres, more or less, as shown on a plat prepared by the said Elmer St. C. Maxwell, dated February 22, 1930, and recorded in Liber 374, folio 14, one of the Land Records of Frederick County, Maryland.

PARCEL NO. 2: All that lot or parcel of land located on the easterly side of North Market Street Extended and being more particularly described as follows:

BEGINNING for the same at a point where a line drawn 30 feet from and parallel to the center line of the existing road from Frederick to Emmitsburg intersects the first or S. 60° E. 19.58 perch line of a conveyance from Charles W. Haller and wife, to the Maryland State Roads Commission, dated February 20, 1922, and recorded in Liber No. 338, folio 184, said point of intersection being S. 52° 24' E. 1.09 feet from the beginning referred to in said conveyance, and running thence and binding on the remainder of the first line of said conveyance, as now surveyed, S. 52° 24' E. 321.98 feet to the end thereof, thence binding on the second and part of the third lines of the hereinbefore mentioned conveyance, S. 45° 06' W. 75.08 feet and N. 52° 24' W. 321.19 feet to intersect the above mentioned 30 foot line and thence binding thereon N. 44° 30' E. 74.98 feet to the place of beginning, containing 0.55 acre of land, more or less.

PARCEL NO. 3: All that lot or parcel of land situate in the District and County of Frederick, State of Maryland, on the southerly side of the right of way or land leading to an installation of the Department of the Army, United States of America, and east of North Market Street Extended (Maryland Route No. 355), and more particularly described as follows:

BEGINNING at a point at the end of the first or South 52° 42' East 321.98 foot line of the land conveyed by Ralph E. Kemp to The Ebert Ice Cream Company recorded in Liber 712, folio 360, said point being also at the end of the first or North 60° West 70.32 perch line of the land conveyed by Charles W. Haller, et ux., to The Grand Lodge of Maryland of The Independent Order of Odd Fellows, recorded in Liber 338, folio 73, running thence with the second line of said conveyances South 45° 06' West 75.08 feet to a point at the end of said second line, thence by two new lines of division crossing the land of The Independent Order of Odd Fellows South 52° 24' East 20.00 feet to a point, thence North 37° 36' East 74.44 feet to a point, thence with the first or North 60° West 70.32 perch line of the land of The Independent Order of Odd Fellows North 52° 24' West 10.20 feet to the place of beginning, containing 1,123.69 square feet.

PARCEL NO. 4: All that lot or parcel of land located on the west side of the Frederick to Emmitsburg State Road or North Market Street Extended, and being more particularly described as follows:

BEGINNING at a point on the West side of the aforesaid Road or Street at the end of the 6th or South 46° East 400 foot line of the first parcel herein conveyed and running thence with said 6th line, reversed North 46° West 400 feet to the end thereof; thence North 46° East 50 feet to a point; thence parallel to the first line hereof South 46° East 400 feet, more or less, to a point on the West side of the said Road or Street; thence by and with the same South 44° West 50 feet to the place of beginning, containing 20,000 square feet of land, more or less.

BEING all and the same real estate conveyed unto George K. Enloe and Charlotte Fay Enloe, husband and wife, by deed dated January 5, 1976, and recorded among the Land Records of Frederick County, Maryland, in Liber 977, folio 638.

The improvements consists of a brick and concrete block two-story building used as a restaurant and offices in the front section being 90'x20' feet, and a one-story warehouse section being 178'x100'. There is also a concrete block outbuilding being 70'x48'. The brick two-story front section contains a store on ground floor 66'x20' operated as a restaurant by present tenant, a storage room 24'x20' used by owners. The second floor consists of a series of offices with bathroom facilities. The warehouse section contains ten rooms, with three (3) walk-in ice boxes, without machinery. Front section of building is heated by oil fired water heater and cooled by two 5-ton air conditioners on the roof. Warehouse section is not heated and has no bathroom facilities. Restaurant equipment belongs to the tenant. The outbuilding, formerly a garage, has no bathroom facilities and is heated by electric heat in one section and two suspended gas space heaters in the other section.

This property is being sold SUBJECT TO the existing lease agreements, and also SUBJECT TO a First Mortgage from George K. Enloe and Charlotte Fay Enloe, husband and wife, to Farmers and Mechanics National Bank, dated January 5, 1976, and recorded among the Land Records of Frederick County, Maryland, in Liber 977, folio 642.

TERMS OF SALE: A deposit of 10% of the purchase price will be required of the purchaser(s) in cash or certified check payable to the Assignee at the time of sale, the balance to be paid upon ratification of sale by the Court. All costs of conveyancing, revenue stamps and transfer taxes are to be borne by the purchaser(s). All state, county and city real estate taxes and other public charges shall be adjusted as of the date of sale. The Assignee reserves the right to withdraw the herein described property from sale at any time. For additional information contact the Assignee.

HOWARD R. STEPLER, JR.
Assignee

Mary Ann Stepler
STEPLER AND STEPLER
18 West Church Street
Frederick, Maryland 21701
Phone: 201-642-4304
JAMES G. TROUT, Auctioneer

EXHIBIT NO. 3

ACKNOWLEDGMENT OF PURCHASE

I do (does) hereby acknowledge
as agent for Juanita Lewis,
that I / have (has) purchased the real

estate described in the advertisement

attached hereto at and for the sum of

Eighty Two Thousand -----

Dollars (\$82,000.00), the sum of

Eight Thousand Two Hundred -----

Dollars (\$8,200.00) having been paid this

date and the balance of Seventy Three

Thousand Eight Hundred -----

Dollars (\$73,800.00) being due and payable

at the time of final settlement and I

do (does) further covenant and agree that

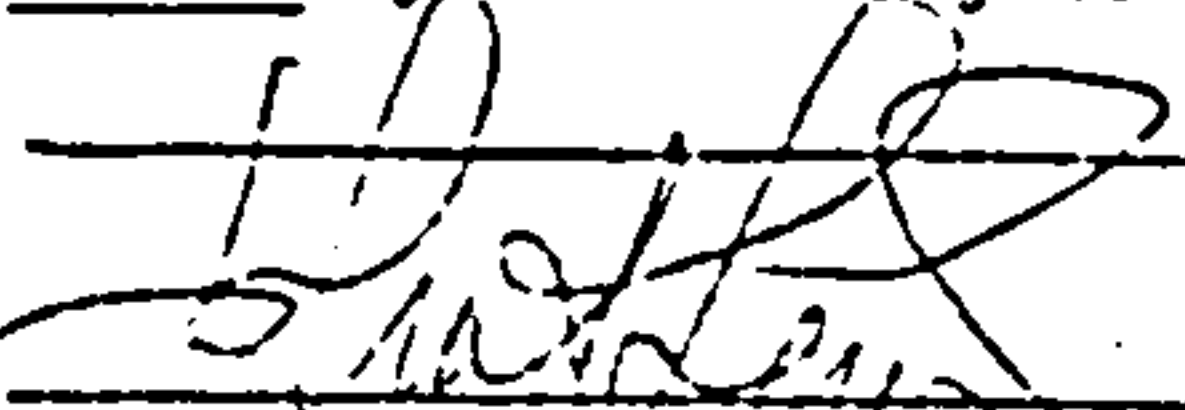
I will comply with the terms of

sale as expressed in the advertisement

attached hereto.

WITNESS my hand(s) and seal(s) this


6th day of February 1980.

 (SEAL)
John F. Lewis, Agent for JUANITA LEWIS

(SEAL)

Purchaser(s)

WITNESS:


James G. Trout

Filed
February 7, 1980